IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

WP(C).No. 16732 of 2007(P)

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PETITIONER:

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AUTUMN WOOD RESORTS (CLOUD 9),
CHINNAKKANAL, MUNNAR,
REP. BY PRAVEEN XAVIER, MANAGING PARTNER.

BY ADV. SRI.K.RAMAKUMAR
SRI.R.JAYACHANDRAN

RESPONDENTS:

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1. STATE OF KERALA REP. BY CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE PRINCIPLE SECRETARY, GOVERNMENT OF KERALA, SECRETARIAT, THIRUVANANTHAPURAM.

3. DISTRICT COLLECTOR, IDUKKI.

4. REVENUE DIVISIONAL OFFICER, DEVIKULAM.

5. TAHSILDAR, UDUMBANCHOLA.

BY GOVERNMENT PLEADER SRI. D. ANIL KUMAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**S. SIRI JAGAN, J.**

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**W.P.(C)NO.16732 OF 2007**

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**DATED THIS THE 1st DAY OF JUNE, 2007**

**JUDGMENT**

The petitioner challenges Exts.P5 and P7 orders whereby patta issued to the petitioner has been cancelled and eviction has been ordered. However, I find that the petitioner has already invoked his statutory remedy by way of filing an appeal before the Land Revenue Commissioner produced as Ext.P8. Learned Government pleader points out that the petitioner has also filed a suit as O.S.No.65/07 in the Sub Court, Kattappana against his possible eviction. The petitioner has not produced any title deeds before me to enable me to examine the correctness or otherwise of the contentions regarding title. That being so, I am not inclined to entertain this writ petition. It is for the petitioner to pursue Ext.P8 appeal and seek remedies in that appeal. If the petitioner so wishes, he may also move stay petition in that appeal.

2. Learned counsel for the petitioner submits that the demolition may be stayed till the disposal of the stay petition. It is for the petitioner to move stay petition. He could have instead of coming to this Court, moved a stay petition there and sought stay before the

Land Revenue Commissioner. Therefore, I am not inclined to entertain that prayer also. The writ petition is accordingly dismissed. However, it is made clear that the respondents shall strict to the time limit stipulated in Ext.P9 for demolition.

Issue photocopy today itself.

**S. SIRI JAGAN, JUDGE**

Acd